

RESTRICTION REQUIREMENT

The Examiner has required restriction under 35 U.S.C. 121 and 372 to one of the following inventions:

- I Group I, claim(s) 27-37, drawn to a method for the production of an amphiphilic nanoscale particle which comprises a hydrolysable lipophilic radical on a surface thereof.

- II Group II, claim(S) 38-57, drawn to an amphiphilic nanoscale particle, wherein the particle comprises at least one hydrolysable lipophilic radical on a surface thereof, a powder comprising the particle and a composition comprising the particle.

ELECTION

In response to the restriction requirement, Applicants elect, with traverse, the invention of claims **27-37** (i.e., the invention of **Group I** as identified in the Restriction Requirement).

TRAVERSE

Applicants respectfully submit that a restriction requirement is inappropriate in this case. Even if one were to assume, *arguendo*, that the inventions of Groups I to II are distinct, the requirement for restriction should be withdrawn because there is no serious burden.

In MPEP Chapter 800, the Office sets forth its policy by which examiners are guided in requiring restriction under 35 U.S.C. § 121. Section 803 states that “[i]f the search and examination

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of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.”

Applicants note that the inventions of Groups I to II identified in the Restriction Requirement relate to an amphiphilic nanoscale particle which comprises a hydrolysable lipophilic radical on a surface thereof, and to a method for the production thereof. Accordingly, as a practical matter, the searches for inventions I and II should significantly overlap. For example, a search for the invention of Group I should cover many of the areas that are also relevant for the invention of Group II and *vice versa*. Thus, the search and examination burden would not be serious.

For the above reasons alone, the Restriction Requirement should be withdrawn, which action is respectfully requested.

Should there be any questions, the Examiner is respectfully invited to contact the undersigned at the telephone number below.

Respectfully submitted,
Ertugrul ARPAC et al.



Neil F. Greenblum
Reg. No. 28,394

June 12, 2009
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191

Heribert F. Muensterer
Reg. No. 50,417